

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

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Robert Puhl, #19918-058,)
)
Petitioner,)
)
-versus-)
)
Federal Bureau of Prisons and)
John J. Lamanna, Warden of)
FCI-Edgefield,)
)
Respondents.)

C. A. No. 2:06-0997-HFF-RSC

REPORT AND RECOMMENDATION

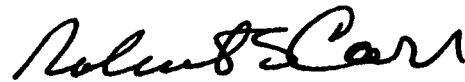
This habeas corpus petition brought by a federal prisoner proceeding pro se and in forma pauperis is before the undersigned United States Magistrate Judge for pretrial supervision. 28 U.S.C. § 636(b).

The petitioner, Robert J. Puhl, filed this habeas corpus petition pursuant to 28 U.S.C. § 2241 on March 29, 2006, and alleged that the respondents violated his rights in not letting him serve the last six (6) months of his sentence in a Community Corrections Center. The respondents filed a motion to dismiss on June 20, 2006. Puhl was provided a copy of the respondent's motion to dismiss on June 16, 2006, and was given an explanation of dismissal and summary judgment procedure as well as pertinent extracts from Rules 12 and 56 of the Federal Rules of Civil Procedure similar to that required by Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975). The petitioner filed an opposition to the motion on June 20, 2006, and the respondents filed a reply on June 27, 2006. On July 5, 2006, the petitioner filed an

opposition to the reply and on July 5, 2006, the petitioner filed a motion for summary judgment. Thereafter on November 9, 2006, petitioner filed a motion to amend his petition, which motion was opposed by the respondents on November 27, 2006. On February 26, 2007, the undersigned granted the petitioner's motion to amend his petition and ordered the petitioner to file a proposed amended petition within twenty (20) days. Petitioner has not filed a proposed amended petition and the allotted time has expired.

Based on the foregoing, it appears the petitioner no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution and for failure to obey a court order.

Respectfully submitted,



Robert S. Carr
United States Magistrate Judge

Charleston, South Carolina

March 29, 2007

Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Court Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. In the absence of a timely filed objection, a district court judge need not conduct a de novo review, but instead must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005).

Specific written objections must be filed within ten (10) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The time calculation of this ten-day period excludes weekends and holidays and provides for an additional three (3) days for filing by mail. Fed. R. Civ. P. 6(a) & (e). Filing by mail pursuant to Fed. R. Civ. P. 5 may be accomplished by mailing objections to:

Larry W. Propes, Clerk
United States District Court
P.O. Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).